

From: Dallas Lawrence
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/7/02 9:59am
Subject: Microsoft Settlement

Judge Kollar-Kotally,

I write to respectfully file my personal objections to the proposed settlement now laid before the Court in Microsoft v. US.

As a native of California's "Silicon Valley" I have had the opportunity to witness the many negative results of Microsoft's monopolistic and predatory practices first hand and am greatly concerned with what now appears to be a complete abandonment of the previous Court findings in this case.

After years of legal wrangling, millions of tax dollars spent and unanimous findings of the U.S. Court of Appeals, it would no doubt now be a travesty of justice for the Court to mete out anything but a balanced judgment against Microsoft, seeking full redress for the findings of the Court of Appeals.

I am quite confident that Your Honor will receive thousands of letters expressing the many technical flaws of the proposed settlement, in far better language than I could possibly hope to offer in this brief appeal. Therefore, I will focus this letter on one overriding concern not adequately addressed in the proposed settlement:

The proposed final judgment does not appear to provide for an effective enforcement mechanism for the minimal restrictions it does provide for.

If there is one thing we have learned from dozens of previously failed "watchdog" programs, both home and abroad, it is that, if there is no adequate and independent enforcement mechanism in place to enforce the agreement, there is no incentive for the penalized party to abide by the findings. Providing for an inspection panel with a 2/3rds majority, either directly appointed or approved of by the party under inspection, opens the entire process to severe criticism at the least and complete ineffectiveness at the worst.

If the Court is to agree with the unanimous findings of the U.S. Court of Appeals, Microsoft's guilt is no longer a matter for debate. The Court must now decide that the United States Government is both serious in meting out punishment for past illegal practices and equally dedicated to curbing future abuses under the law.

I respectfully submit to the Court that the proposed final judgment does neither.

Respectfully,

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